

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 1, 1989
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Olson, Reid,
 Snider and Pinkerton (Mayor)

 Absent: Council Members - None

 Also Present: City Manager Peterson, Assistant City
 Manager Glenn, Community Development
 Director Schroeder, Public Works Director
 Ronsko, City Attorney McNatt, and City Clerk
 Reimche

INVOCATION The invocation was given by Pastor Bob Weishoff, Emanuel
 Lutheran Church.

PLEDGE OF The Pledge of Allegiance was led by Mayor Pinkerton.
ALLEGIANCE

PRESENTATIONS

UNITED WAY 1988/89
DEPARTMENTAL AWARDS
PRESENTED Eric Whitaker, Administrative Assistant to the City
 Manager, presented the 1988/89 United Way Campaign
CC-73 Departmental Awards.

CONSENT CALENDAR In accordance with report and recommendation of the City
 Manager, Council, on motion of Mayor Pro Tempore Snider,
 Olson second, approved the following items hereinafter set
 forth.

CLAIMS CC-21(a) Claims were approved in the amount of \$2,749,128.08.

MINUTES The Minutes of December 21, 1988 and January 4, 1989 were
 approved as written.

DESTRUCTION OF
CERTAIN RECORDS
RETAINED BY THE
CITY CLERK APPROVED

RES. NO. 89-10 The City Council adopted Resolution No. 89-10 approving
 destruction of certain records retained by the City Clerk.
CC-6

REVISED CLASS
SPECIFICATION
FOR PLANT AND
EQUIPMENT MECHANIC
APPROVED

RES. NO. 89-11 The City Council adopted Resolution No. 89-11 approving
 revisions to the class specifications for Plant and
CC-34 Equipment Mechanic.

Continued February 1, 1989

RESOLUTION ADOPTED
AUTHORIZING AGREEMENTS
WITH THE CALIFORNIA
HIGHWAY PATROL FOR
PARTICIPATION BY THE
LODI POLICE DEPARTMENT
IN CERTAIN CALIFORNIA
HIGHWAY PATROL TRAINING
PROGRAMS

RES. NO. 89-12 The City Council adopted Resolution No. 89-12 authorizing agreements with the California Highway Patrol for participation by the Lodi Police Department in certain California Highway Patrol-sponsored training programs and authorizing the Chief of Police to execute the agreements on behalf of the City.

CC-6
CC-90
CC-152

The City Council was advised that in order for the Lodi Police Officers to attend required training offered by the California Highway Patrol, a resolution from the City Council is required, according to the State Administrative Manual.

PUBLIC HEARING SET
REGARDING USE OF
THE COMMUNITY
DEVELOPMENT BLOCK
GRANT FUNDS

CC-55 The City Council set a public hearing for the February 15, 1989 regular meeting of the City Council to obtain the views of citizens on Lodi's housing and community development needs.

The City Council was advised that Staff is currently in the process of preparing a list of proposed activities for the 1989 Community Development Block Grant program year. Federal guidelines require grantees to "hold at least one public hearing to obtain the views of citizens on the grantee's housing and community development needs" (24 CFR Part 570, §570.301(a)(2)(ii)). Last year's hearing was held at the Public Library and only three citizens showed up to participate. As response was less than desirable, staff felt it may increase citizen participation if the hearing were held during the regular City Council meeting.

Staff has already begun the public participation process by publishing public notice advertisements in the Lodi News-Sentinel January 12, 13, 14, and 17, 1989 soliciting written suggestions for possible projects. These responses will be read at the public hearing.

PUBLIC HEARING SET
TO CONSIDER THE
AMENDMENT OF THE
LAND USE ELEMENT
OF THE LODI GENERAL
PLAN, THE REZONING
FROM R-C-P TO C-S,
AND THE CERTIFYING
OF THE FILING OF A
NEGATIVE DECLARATION
ON THE PROPERTY
LOCATED AT 2500
WEST TURNER ROAD

CC-35
CC-53(a) The City Council was reminded that at its meeting of January 18, 1989, the City Council on a 2 - 2 tie vote, failed to approve the filing of an environmental clearance, a modification of the general plan and rezoning of the property located at 2500 West Turner Road. Under usual circumstances, the matter would have been deemed denied for

Continued February 1, 1989

failure to achieve the necessary affirmative votes. However, a motion to reconsider was successful, and the Council placed the matter on the March 1, 1989 agenda to address certain traffic and infrastructure concerns.

Since the public hearing which occurred on January 18 was closed prior to a vote being taken, and also since the Council will be hearing new evidence at the March 1, 1989 meeting on this topic, the subject should appear on the March 1 agenda as a public hearing. That will avoid potential procedural problems and allow interested parties to present further evidence or testimony.

The City Council set a public hearing for March 1, 1989 to reconsider:

- a) Amending the Land Use Element of the Lodi General Plan by redesignating the parcel at 2500 West Turner Road (APN 029-030-39, R.C.A. Global) from Office-Institutional to Commercial
- b) rezoning the parcel at 2500 West Turner Road (APN 029-030-39, R.C.A. Global) from R-C-P, Residential-Commercial-Professional to C-S, Commercial Shopping Center
- c) certifying the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

SPECIFICATIONS FOR THE
PURCHASE OF ONE UTILITY
VAN BODY TRUCK
APPROVED

CC-12.1(b)

The City Council approved the specifications for the purchase of one utility van body truck and authorized advertisement for bids thereon. The bid opening date has been set for Tuesday, February 21, 1989.

This unit is for replacement of existing Truck #27 used by the troubleshooting/service call section of the Electric Utility Department. The estimated cost of this purchase is \$28,000 with delivery expected in approximately three months.

Funding for this purchase has been included in the 1988-89 fiscal year budget.

PLANS AND SPECIFICATIONS
FOR BLAKELY PARK POOL
TILE REPLACEMENT
APPROVED

CC-12.1(a)

CC-12.1(c)

The City Council approved the plans and specifications for the Blakely Park Pool tile replacement and authorized advertising for bids.

This project includes complete replacement of the gutter tile at the old pool at Blakely Park. The tile is chipped in numerous places. The City has been informed by the Local Health District that the work must be done before the next swim season.

AWARD CONTRACT -
CARNEGIE FORUM
HARDSCAPE, 305
WEST PINE STREET

RES. NO. 89-13

CC-12(c)

The City Council adopted Resolution No. 89-13 awarding the contract for the Carnegie Forum Hardscape, 305 West Pine Street, to Case Construction in the amount of \$34,304 and

Continued February 1, 1989

appropriated an additional \$2,000 from the Capital Outlay Reserve.

The City Council was informed that this project includes concrete sidewalks with brick edges matching that in front of City Hall and the area between City Hall and the Carnegie Forum. Landscaping will be done under a separate contract.

Plans and specifications for this project were approved on January 4, 1989.

The City received the following three bids for this project:

BIDDER	LOCATION	BID
Engineer's Estimate		\$31,000.00
Case Construction	Lodi	\$34,304.00
Altman General Eng.	Yuba City	\$35,028.00
Neth Construction	Stockton	\$42,410.38

The total project cost allows for inspection and contingencies.

AWARD CONTRACT FOR WELL 22 PUMP AND MOTOR, 2040 SOUTH CHEROKEE LAKE

RES. NO. 89-14

CC-12(d)

The City Council adopted Resolution No. 89-14 awarding the contract for Well 22 Pump and Motor to Zim Industries/Ingersoll-Rand in the amount of \$20,968.00.

The City Council was advised that this project consists of furnishing and installing a pump and motor for Well 22.

The specifications included provisions for analyzing the bids based on an analysis of future power costs. The 12 bids received are set forth below:

Well 22 Pump & Motor Cost Analysis

Power Cost: \$ 0.07177 per Kwhr

Analysis Flow: 750 Million Gallons (MG)

Bidder	Pump Mfr/Model	Est Price	1. Field	Flow	1. Fric	2. Lab	3. Bowl	4. Lab	5. HP Losses	6. Brake	7. Field	8. Motor	9. Overall	10. Input	11. Pumping	12. Power	13. Total	14. Rank	
Rank based on Est Price	No. Days Delivery	Est Price	Est Price	(gpm)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)	(ft/lb)		
Mosman's Water Systems - F. Morse 14M-2000	115	\$ 19,615.00	320	430	0.00	370.00	0.700	45.18	1.92	0.50	48.50	0.665	0.943	0.577	98.44	10417			
5		1,020.00	270	1500	1.08	273.08	0.840	121.14	1.92	0.44	125.50	0.815	0.943	0.768	99.78	2778			
		20,635.00	232	1780	1.08	235.38	0.810	130.90	1.92	0.40	133.27	0.783	0.943	0.738	105.39	2341	\$ 66,239	\$ 85,902	7
Mosman's Water Systems - Peabody-Floway 14DK	115	20,125.00	320	1100	1.80	321.80	0.754	118.55	1.80	1.80	122.15	0.778	0.943	0.688	96.63	3208			
7-8		1,020.00	270	1500	4.00	274.00	0.840	123.58	1.80	1.50	128.96	0.856	0.943	0.790	100.86	2778			
		21,145.00	232	1700	5.20	237.20	0.825	121.95	1.80	1.40	125.15	0.796	0.943	0.750	99.01	2451	\$ 63,693	\$ 84,968	4
Mosman's Water Systems - Peabody-Floway 14DKM	115	20,125.00	320	975	1.80	321.80	0.674	111.46	1.80	1.80	115.06	0.850	0.943	0.613	91.02	4505			
7-8		1,020.00	270	1500	4.00	274.00	0.845	123.12	1.80	1.50	128.42	0.859	0.943	0.651	100.01	2778			
		21,145.00	232	1700	5.20	237.20	0.845	124.25	1.80	1.40	127.25	0.806	0.943	0.760	100.67	2381	\$ 66,565	\$ 87,740	8
Nock Pump Co. - Peabody-Floway 14DK	105	19,111.00	320	1100	1.80	321.80	0.754	118.55	1.80	1.80	122.15	0.778	0.943	0.688	96.63	3208			
2-3		1,020.00	270	1500	4.00	274.00	0.840	123.58	1.80	1.50	128.96	0.856	0.943	0.790	100.86	2778			
		20,131.00	232	1700	5.20	237.20	0.835	121.95	1.80	1.40	125.15	0.796	0.943	0.750	99.01	2451	\$ 63,693	\$ 83,554	1
Nock Pump Co. - Peabody-Floway 14DKM	105	19,111.00	320	975	1.80	321.80	0.674	111.46	1.80	1.80	115.06	0.850	0.943	0.613	91.02	4505			
2-3		1,020.00	270	1500	4.00	274.00	0.840	123.58	1.80	1.50	128.96	0.856	0.943	0.790	100.86	2778			
		20,131.00	232	1700	5.20	237.20	0.845	124.25	1.80	1.40	127.25	0.806	0.943	0.760	100.67	2381	\$ 66,565	\$ 86,426	6
Nock Pump Co. - Goulds 14-K1C	105	17,101.00	320	1110	2.12	322.12	0.750	120.39	1.75	0.69	122.94	0.740	0.943	0.669	97.19	3574			
4		1,020.00	270	1500	1.86	273.86	0.840	123.58	1.75	0.40	127.72	0.804	0.943	0.758	100.65	2778			
		18,121.00	232	1725	4.60	236.60	0.810	127.24	1.75	0.53	129.53	0.800	0.943	0.736	102.47	2415	\$ 64,009	\$ 84,462	2
Nock Pump Co. - Flacross 14 MC	120	20,271.00	320	900	1.59	321.59	0.600	121.81	2.00	0.56	124.37	0.585	0.943	0.591	98.39	4630			
8		1,020.00	270	1500	1.86	273.86	0.840	123.58	2.00	0.41	128.92	0.815	0.943	0.748	101.99	2778			
		21,291.00	232	1725	5.44	237.44	0.820	126.50	2.00	0.53	128.93	0.787	0.943	0.742	101.92	2408	\$ 70,641	\$ 92,214	11
Nock Pump Co. - Byron Jackson 14M2H	112	19,781.00	320	1060	1.58	321.58	0.760	106.65	1.68	0.60	109.15	0.740	0.943	0.698	96.33	4167			
Del. order		1,020.00	270	1500	1.86	273.86	0.840	123.58	1.68	0.48	128.25	0.797	0.943	0.751	101.54	2778			
		20,801.00	232	1760	3.58	235.58	0.790	128.04	1.68	0.40	130.09	0.766	0.943	0.722	102.91	2451	\$ 64,162		
Zim Industries	Featuring Motor 14M	18,742.00	320	625	0.00	320.00	0.950	77.10	1.89	0.50	80.09	0.931	0.943	0.595	83.36	8667			
1		1,020.00	270	1500	3.70	273.70	0.840	123.58	1.89	0.40	132.11	0.800	0.943	0.736	101.51	2381	\$ 87,899	\$ 97,451	9
		19,762.00	232	1760	4.90	236.60	0.810	129.52	1.89	0.40	132.11	0.800	0.943	0.736	101.51	2381			
Zim Industries	Ingersoll Rand 12M2H	20,145.00	320	1375	2.50	322.50	0.760	111.30	1.89	0.60	113.99	0.777	0.943	0.685	90.19	4065			
5		1,020.00	270	1500	4.70	274.70	0.840	123.58	1.89	0.70	124.28	0.820	0.943	0.715	98.11	2778			
		21,165.00	232	1760	5.70	237.70	0.825	127.73	1.89	0.65	130.27	0.792	0.943	0.746	103.08	2427	\$ 83,499	\$ 94,467	3
Kelly's Pump	Washington Demco	21,478.00	320	960	1.30	321.30	0.760	103.85	1.80	0.60	106.75	0.730	0.943	0.688	84.06	4140			
10		1,020.00	270	1500	3.50	273.50	0.845	125.53	1.80	0.50	125.00	0.818	0.943	0.717	98.89	2778			
		22,498.00	232	1760	4.80	236.80	0.830	126.53	1.80	0.50	126.53	0.803	0.943	0.750	101.92	2381	\$ 61,215	\$ 83,093	5
Kelly's Pump	Byron Jackson 14M2H	22,477.00	320	1060	1.58	321.58	0.760	106.65	1.68	0.60	109.15	0.740	0.943	0.698	96.33	4167			
11		1,020.00	270	1500	1.86	273.86	0.840	123.58	1.68	0.48	128.25	0.797	0.943	0.751	101.54	2778			
		23,497.00	232	1760	3.58	235.58	0.790	128.04	1.68	0.40	130.09	0.766	0.943	0.722	102.91	2451	\$ 84,162	\$ 97,809	10

Notes

* 1 year from start-up warranty period of 4000 hrs. specified
as shown \$472.00 per 1000 hrs. unit

** same as * plus condition that unit shipments may affect warranty
* minimum time major overhaul of unit not specified

7/21/91 P.00000000

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As noted in the footnotes, the bids from Moorman's Water Systems and Noack Pump Company included exceptions to the specified warranty. The City has requested a non-standard warranty on previous bids and has not had exceptions taken. The specified 4,000 hours instead of 1 year protects the City in the event the pump is not used very much in the first year. We have had one occasion in the past few years where a motor failed after 1 year but less than 4,000 hours. The supplier (Zim Industries/U.S. Motors) repaired the motor at no charge to the City. The two suppliers who did not take exception to the warranty were both contacted. They were aware of the requirement and were willing to provide the requested warranty.

It should also be noted that we received written notice of a numerical error in the bid from Noack/Byron Jackson, therefore, this bid should be withdrawn. Also, the analysis shows that the Worthington-Dresser pump proposed by Kirby's Pump is slightly more efficient than the Ingersoll-Rand unit proposed by Zim Industries. However, it would take approximately 10 years before the total costs were equal. Therefore, the recommendation was made that the contract be awarded to Zim Industries for the Ingersoll-Rand pump.

AWARD BID FOR
PURCHASE OF DUMP
TRUCK

RES. NO. 89-15
CC-12(d)

The City Council adopted Resolution No. 89-15 awarding the bid for the purchase of a dump truck to Interstate International, Inc., in the amount of \$44,350.00.

The City Council was informed that this project consists of replacing a 1976 Ford, 23,000 GVWR dump truck equipped with a mobile radio and emulsion tank used by the Street Division for daily street maintenance.

Specifications for this project were originally approved on November 2, 1988. Bids were opened on November 16, 1988 and two bids were received. Both bidders failed to meet the City's requirements. Specifications were revised to include a longer wheel base and a maximum turning radius requirement and were approved on January 4, 1989. New bids were opened on January 18, 1989 and three bids were received:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Plummer Pontiac, Cadillac, GMC, Inc.	Lodi	\$43,800.42
Interstate International, Inc.	Stockton	\$44,200.00
Sacramento Valley Ford Truck Sales, Inc.	Sacramento	\$48,124.00 - Option #1 \$42,930.00 - Option #2

Neither Plummer nor Sacramento Valley Ford met the City's required specification for a curb-to-curb turning radius of 45'-0". The truck that Interstate International, Inc. bid does meet the City's specification, which results in increased maneuverability that is critical for the Street Division's operations.

It was recommended that the City Council approve the purchase of the dump truck from Interstate International.

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The difference of \$150.00 between the bid amount and the purchase price is for an extended engine warranty.

IMPROVEMENTS ACCEPTED
UNDER WELL DRILLING,
WELL 22, 2040 SOUTH
CHEROKEE LANE,
CONTRACT

CC-90

The City Council accepted the improvements for "Well Drilling, Well 22, 2040 South Cherokee Lane", and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract was awarded to Myers Bros. Well Drilling, Inc. of Hanford on September 28, 1988 in the amount of \$63,778.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was February 13, 1989, and the actual completion date was January 25, 1989. The final contract price was \$58,540.00. The difference between the contract amount and the final contract price is mainly due to a penalty for failure to meet the plumbness and alignment criteria.

IMPROVEMENTS ACCEPTED
UNDER ARMORY PARK
SPRINKLERS

CC-90

The City Council accepted the improvements for "Armory Park Sprinklers, 333 North Washington Street" and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract was awarded to Galloway & Associates of Escalon on November 16, 1988 in the amount of \$13,863.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was February 24, 1989, and the actual completion date was January 20, 1989. The final contract price was \$13,863.00. The funds remaining in this account will be spent on other projects included in the Parklands Grant description.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

SYMPATHY EXPRESSED
TO THE FAMILY OF
PARKS AND RECREATION
COMMISSIONER
DAVID REESE

Mayor Pro Tempore Snider expressed sympathy to the family of Parks and Recreation Commissioner David Reese. The entire community is saddened by the loss of this outstanding citizen who had given so unselfishly of his time and talent to the City.

CITY COUNCIL TOURS
MAURICE HILL HOME

Council Member Olson commented on the recent tour the City Council had of the Maurice Hill home and expressed her hope that the entire community would rally around the preservation of this historical Lodi landmark.

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"CONGRATULATIONS"
EXTENDED TO GENE
WALTON ON BEAUTIFICATION
AND CREATION OF AN
INSTANT INDUSTRY IN LODI
(A PARKING LOT ON LOWER
SACRAMENTO ROAD)

Mayor Pinkerton extended "congratulations" to Gene Walton for the beautification and creation of an instant industry in Lodi (a parking lot on Lower Sacramento Road).
CC-45(i)
CC-150

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons wishing to speak under the "Comments by the public on non-agenda items" segment of the agenda.

PUBLIC HEARINGS

There were no public hearings scheduled for this meeting.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of January 23, 1988:

CC-35

The Planning Commission -

ITEMS OF INTEREST

1. After a presentation by Jerilyn Ratto, Administrator, approved the request of Doctors' Hospital of Lodi (formerly Lodi Community Hospital) for the extension of a use permit for a temporary mobile office at 800 South Lower Sacramento Road in an area zoned R-C-P, Residential-Commercial-Professional until March, 1990.
2. Conditionally approved the request of Yosh Mataga, Mataga Olds-Buick Inc., for the extension of a use permit for one year for a modular RV sales office at 880 South Beckman Road in an area zoned M-1, Light Industrial.
3. Determined that existing conditions in the neighborhood constituted the basis for a "zoning hardship" and approved the request of R. Wayne Craig to vary the setback requirements for a garage at 703 West Pine Street, in an area zoned R-1, Single-Family Residential - Eastside.
4. Conditionally approved the request of Tiger Lines for a use permit for a temporary portable office for one year at 927 Black Diamond Way in an area zoned M-2, Heavy Industrial.
5. Accepted the withdrawal of the request of Marlon Degrandmont for a use permit for an entertainment center in Unit C-1, Lakewood Mall in an area zoned C-S, Shopping Center.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c)

On recommendation of the City Attorney and the City's Contract Administrator the City Council, on motion of Council Member Olson, Hinchman second, denied the following claims and referred them back to the City's Contract Administrator:

- a) Frank Madden, DOL 8/5/88
- b) Larry Costamagna, DOL 12/14/88

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c) Don Nelson, DOL 8/22/88

d) Juanita Corwin, DOL 8/2/88

ABC LICENSE
APPLICATIONThe City Clerk presented the following application for
Alcoholic Beverage License which had been received:

CC-7(f)

a) Gloria M. Murillo, Donna Wilson, Jack Pot Mini Mart,
401 South Cherokee Lane, Off Sale Beer and Wine
License, Person to Person TransferRESIGNATION FROM
LODI ARTS
COMMISSION

CC-2(k)

On motion of Council Member Hinchman, Olson second, the
City Council directed the City Clerk to post for a vacancy
on the Lodi Arts Commission resulting from the resignation
of Pamela Ann Amrine.APPOINTMENTS TO
VARIOUS CITY BOARDS
AND COMMISSIONSOn motion of Council Member Hinchman, Olson second, the
City Council concurred with the following appointments by
the Mayor to various City of Lodi Boards and Commissions:

CC-2(i)

LODI SENIOR CITIZENS COMMISSIONDorance L. Ochs to fill the unexpired term of George Sande,
which term expires 12/31/89

CC-2(h)

LODI PARKS AND RECREATION COMMISSIONDennis Jones to fill the unexpired term of David Reese
which term expired December 31, 1990INFORMATION RECEIVED
REGARDING CALIFORNIA
LAND CONSERVATION
CONTRACTS

CC-27(a)

Following receipt of a letter from the Clerk of the San
Joaquin County Board of Supervisors advising that, pursuant
to section 51243.5 of the Government Code, the Board of
Supervisors intends to enter into California Land
Conservation Contracts which will include land within one
mile of the exterior boundaries of the City of Lodi on the
following parcels, the City Council on motion of Council
Member Reid, Olson second, voted to take no action:a) Carl S. Massio and Mary T. Hildebrand, 858 Wightman,
Lodi APN #017-100-06

b) Carl S. Massio, 858 Wightman, Lodi, APN #013-230-08

LETTER RECEIVED
EXPRESSING CONCERN
REGARDING VEHICLES
FOR SALE BEING
PARKED ON LOWER
SACRAMENTO ROAD
BETWEEN ELM STREET
AND TURNER ROADCC-45(i)
CC-150Following receipt of a letter from "A Concerned Resident"
expressing concern regarding vehicles for sale being parked
on Lower Sacramento Road between Elm Street and Turner
Road, the City Council was advised that a proposed
ordinance concerning "curbstoning" will be reviewed by the
City Council at the February 28, 1989 Shirtsleeve Session.

Continued February 1, 1989

COUNCIL CONSIDERATION
OF STATE OF CALIFORNIA
GOVERNMENT CODE SECTION
818.8 REQUESTED

CC-6
CC-34

Following receipt of a request from Jean Davenport, 23324 North Dustin Road, Acampo, for City Council consideration of California Government Code Section 818.8 - "A public entity is not liable for an injury caused by misrepresentation by an employee of the public entity, whether or not such misrepresentation be negligent or intentional", the City Council, on motion of Mayor Pro Tempore Snider, Hinchman second, following information received from the City Attorney, directed that the matter be referred to Assemblyman Phil Isenberg.

REGULAR CALENDAR

EMERSON PARK
REHABILITATION
JOINT VENTURE
PROJECT APPROVED

CC-27(c)

The City Council was advised that approximately two years ago the Administration and the Parks and Recreation Department addressed the Emerson Park playground area with regard to general safety and quality of play of the area. As such, the City Council approved \$30,000 to address, review and redesign the park to meet these ends.

About this time the Lodi Lions Club was looking for a project, and since past clubs had zeroed in on Emerson, they felt they would like to get involved in assisting with the renovation of the facility. Additionally, knowing that the Club would be somewhat limited on dollar commitments, Director Ron Williamson submitted the facility for new group playground equipment through the Parkland Act Grant of 1986.

The project was started and meetings followed with Administration, the Lions Club officers, and the Parks and Recreation Commission. All bought into the project and saw its value. The City Council approved some \$7,500 architectural conceptual drawings of the general park, i.e. Richard Bigler under contract for this service, and the Hale Park master plan.

Mr. Bigler completed his renderings and conceptual ideas, it was approved by Commission, and the Lions Club at this point became involved, with Club member Arlie Preszler's architectural firm doing specific playground area renderings.

The Parkland Act Grant request had also been approved, and the City installed new Miracle equipment at the park.

At the completion of Mr. Preszler's work, the renderings went to the Parks and Recreation Commission again for approval of design and layout of the area. The Commission approved the drawing, and a commitment was made by the Lions Club as to \$20,000 cash donation and manpower/labor in installing various elements of the project.

At an earlier Shirtsleeve Session a couple of concerns were expressed about the project:

- a) too much playground equipment planned for the area
- b) whether or not the Chief of Police had an opportunity to review the plan.

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Mr. Williamson advised that, following his review of the plan, Chief Williams commented on the lighting in and around the restrooms as well as general lighting in the park and submitted a written statement on the plan as to the height of the planters and plantings.

Landscape Architect Jeff Gamboni, representing Ramsey-Derivi-Castellanos-Preszler gave a presentation regarding the project and outlined the costs as follows:

The project will be divided into three phases which were explained in detail.

Phase I Area Cost - \$ 66,050.00

Phase II Area Cost 10,908.00

Phase III Area Cost 62,948.00

TOTAL COST VALUE
\$139,906.0

Lions Club labor value cost
36,080.00

TOTAL PARK COST \$175,986.00

Less Lions Club labor/services and cash donations
- 56,080.00

Less current money in Account 121.0-760.83
- 22,000.00

TOTAL COST TO CITY FOR ALL THREE PHASES
\$ 97,906.00

The Lions Club commitment for repayment is five years at \$4,000 per year up to a maximum of \$20,000.

A lengthy discussion followed with questions regarding the matter being directed to Mr. Williamson and Mr. Gamboni. Mr. Ken Heffel, President of the Lodi Lions Club addressed the City Council regarding the Lions Club commitment to this project.

On motion of Council Member Hinchman, Olson second, the City Council approved an appropriation from the Capital Outlay Reserve in the amount of \$24,000 for the first phase of the Emerson Park rehabilitation joint venture with the Lodi Lions Club and the acceptance of the total project commitment.

AWARD CONTRACT FOR
HUTCHINS STREET
SQUARE SENIOR COMPLEX,
600 WEST OAK STREET

RES. NO. 88-16 The City Council was advised that the Hutchins Street
CC-12(c) Square Senior Complex, 600 West Oak Street, consists of
renovation of the old Boys' and Girls' Gymnasiums and
swimming pool into a Senior Complex that fits into the
master plan of the Community Center.

The City of Lodi is the recipient of a \$2.6 million gift from the estate of William G. Holz, a local industrialist. On August 31, 1988, \$2 million was received; the final payment of \$632,000 was received on January 24, 1989. The

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will specified the monies be used to provide a senior facility.

Morris and Wenell Architects and Planners, Inc. has designed a large multipurpose room, indoor swimming pool, senior information and referral center, senior day-care facility, and parking facilities. The City is currently negotiating a contract with Lodi Memorial Hospital to operate a senior day-care facility for 30 clients in one portion of the new Senior Complex.

The overall plan includes, but funds are not available at this time, to provide the following amenities: landscaping, a walled garden area next to the day care center, an outdoor patio for the multipurpose room, additional parking facilities, and outdoor trellises.

The City received two independent estimates on construction costs for this facility:

Larry E. Hultgren Co.	\$2,618,354
Lee Saylor & Associates	\$2,659,340

Construction is estimated to take 10 months and, if begun in February 1989, then should be ready for occupancy by January 1990.

Bids were opened on January 25 with the following results:

<u>Bidder</u>	F&H Construction	Mark Diversified	Bray & Sons
<u>Location</u>	Stockton	Sacramento	Modesto
<u>Base Bid</u>	\$2,643,700	\$2,758,000	\$2,935,000
<u>Alt. 1</u> - Delete metal roof and install composition shingles	-\$9,500.00	-\$2,405.00	+\$2,400.00
<u>Alt. 2</u> - Substitute wood floor	+\$5,000.00	-0-	-0-
<u>Alt. 3</u> - Delete tile wainscot in pool area	-\$9,980.00	-\$9,980.00	-\$12,000.00
<u>Alt. 4</u> - Delete signage	-\$750.00	+\$1,000.00	-\$700.00
<u>Alt. 5</u> - Reduce size of skylight	-\$21,204.00	-\$15,000.00	+\$2,800.00
<u>Alt. 6</u> - Delete concrete slab in storage room	-\$3,000.00	+\$3,300.00	-\$2,200.00
<u>Alt. 7</u> - Add 60 days to contract time	-0-	-0-	+\$15,000.00
<u>Alt. 8</u> - Delete partial completion requirements and \$20,000 penalty clause for certain rooms	-\$10,000.00	-0-	-\$20,000.00

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The total project cost is estimated as follows:

Construction (Base Bid)	\$2,644,000
Architectural Design Fees	184,000
Inspection (Architect + City Inspector + Special Testing)	85,000
Sidewalk on Rose & Oak*	13,000
Miscellaneous Items	6,000
Contingencies	100,000
	<u>\$3,032,000</u>

Available funding in the Hutchins Street Square Fund is as follows:

Holz Bequest	\$2,632,000
Interest thru December 1988	40,000
Anticipated Interest thru Contract	<u>60,000</u>
Total	\$2,732,000

The amount of additional funding necessary is \$300,000.

City Manager Peterson addressed the City Council regarding the matter and reviewed alternate methods of funding the shortfall.

Mr. Dennis Bennett, Chairman of the Old Lodi High School Site Foundation, addressed the City Council regarding the matter indicating that they would be willing to make a personal commitment covered by a promissory note to fund the shortfall no later than upon completion of the project or one year.

Following discussion with questions being directed to Staff and to the City Attorney, the City Council, on motion of Council Member Olson, Reid second, adopted Resolution No. 89-16 awarding the contract for the Hutchins Street Senior Complex, 600 West Oak Street, be made to F&H Construction, conditioned upon receipt by the City from the Old Lodi High School Site Foundation before February 17, 1989 of a promissory note for the shortfall of a maximum of \$300,000, payable no later than one year from today's date or completion of the project, whichever occurs first. Further, that F&H Construction be advised of this condition and its assent be requested.

VOTING DELEGATE AND
ALTERNATE SELECTED
FOR AMERICAN PUBLIC
POWER ASSOCIATION
ANNUAL CONFERENCE

CC-7(1)

On motion of Council Member Olson, Pinkerton second, the City Council designated Council Member Reid, as the voting delegate and Mayor Pro Tempore Snider as the voting alternate, for the American Public Power Association Annual Conference, June 5 - 7, 1989.

REPORT BY CITY
ATTORNEY CONCERNING
THE LEGALITY OF
AWARDING A BID TO
A LOCAL BIDDER IN
THE EVENT OF A
TIE BID

CC-4(e)

CC-6

CC-12(a)

The City Attorney presented the following report concerning the legality of awarding the bid to a local bidder in the event of a tie bid:

At the Council meeting of January 18, 1989, questions were raised concerning appropriate procedures in case of a tie bid, and also whether a local bidder could be given preference in such cases to break the tie. To my surprise, I found no cases or statutes on the point. In fact, the

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only case law I found at all on this topic came out of the State of New York, and generally specified that in such instances, the "commissioner" who was responsible for the letting of such contracts could make the decision as long as the basis of how the decision was made to award the contract to a specific bidder was explained. This doesn't help us much.

I am aware that in other jurisdictions, tie bids have been broken by reference to either the postmarked date of the bid, or (as we have done here in Lodi) a coin toss conducted in the presence of the affected bidders. Either of these, or any other nondiscriminatory criteria, can probably be used. Such practice should be uniformly applied and probably should be spelled out in our bidding policies and requirements.

As to the question of whether the City could use the place of business as a factor in determining who would win in tie bid situations, I believe it would be inappropriate. In such cases as City of Inglewood, et al. v. Superior Court (1972) 7 C.3d 861, local preference was rejected by the California Supreme Court. The California Attorney General has also issued an opinion stating that counties may not establish bidding procedures under which a contractor is entitled to preference solely on the ground that the bidder's place of business was within that county (64 Ops.A.G. 670 (1981)).

In this opinion, the Attorney General, referring to the City of Inglewood case, supra, stated "... (T)he purposes of competitive bidding were confirmed by language of City of Inglewood, to the effect that it was in the public interest to have contracts awarded without favoritism and at the lowest price consistent with reasonable quality". (A.G.'s Opinion at 672) The Attorney General went on to state "Therefore, bidding procedures cannot be established which give preference to a contractor based on the location of his place of business." It is quite possible that this opinion would be adopted by a reviewing court to overturn any preferential factor based on the location of a bidder's place of business utilized by the City in awarding public contracts.

ORDINANCES

AMENDED WATER
CAPITAL IMPROVEMENT
PROGRAM FOR 1988/89
ADOPTED

ORD. NO. 1444

CC-15
CC-145

Ordinance No. 1444 entitled, "An Ordinance of the Lodi City Council Approving Amended Water Capital Improvement Program for 1988/89", having been introduced at a regular meeting of the Lodi City Council held January 18, 1989, was brought up for passage on motion of Council Member Hinchman, Snider second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Reid,
Snider and Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

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ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 8:50 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk